

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

July 21, 2008

In the Matter of
Deanna and Jody Blatman

Docket No. WET-2008-049
DEP File Nos. 090-1051
Andover

RECOMMEND FINAL DECISION

On June 20, 2008, the Office of Appeals and Dispute Resolution (“OADR”) of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) received this appeal regarding the proposed construction of an in-ground pool and associated deck at 4 Norwich Place in Andover (the “Property”). The Andover Conservation Commission (the “Petitioner”) filed this appeal of a June 11, 2008 approval of a request for a Superseding Order of Conditions (“SOC”), issued by the Northeast Regional Office of the Department (the “Department”) to Deanna and Jody Blatman (the “Applicants”) in regards to the Property. Such SOC was issued by the Department under the provisions of the Wetlands Protection Act, M.G.L. c. 131, § 40, and associated regulations, 310 CMR 10.00.

On July 16, 2008, the Petitioners delivered a written request to the OADR to withdraw their Notice of Claim of Adjudicatory Appeal of the SOC. No other party has objected to the requested withdrawal.



For the reasons set forth above, I recommend that the appeal be dismissed because it is moot. As a result, the Superseding Order of Conditions will become a final decision of the agency. *See, Matter of Osmun*, Docket No. DEP-04-958, 2005 Mass. Env. LEXIS 45, Final Decision – Order of Dismissal (May 12, 2005).

NOTICE

This decision is a Recommended Final Decision of the Presiding Officer. It has been transmitted to the Commissioner for her Final Decision in this matter. This decision is therefore not a Final Decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to Superior Court pursuant to M.G.L. c. 30A. The Commissioner's Final Decision is subject to rights of reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this Recommended Final Decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in her sole discretion, directs otherwise.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Laurel A. Mackay
Presiding Officer

SERVICE LIST

Petitioner: Andover Conservation Commission
Town Offices
36 Bartlett Street
Andover, MA 01810
ATTN: Linda Cleary, Conservation Agent
Email: lcleary@andoverma.gov

Legal Representative: None identified

Applicant: Deanna and Jody Blatman
4 Norwich Place
Andover, MA 01810

Legal Representative: None identified

The Department:

Michael Abell
MassDEP/Northeast Regional Office
Bureau of Resource Protection
205B Lowell Street
Wilmington, Massachusetts 01887
Email: Michael.Abell@state.ma.us

Legal Representative:

Elizabeth Kimball, Esq.
MassDEP/Office of General Counsel
One Winter Street
Boston, Massachusetts 02108
Email: Elizabeth.Kimball@state.ma.us